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Pro Se

UNITED STATES BANKRUPTCY

COURT SOUTHERN DISTRICT OF NEW YORK

FRED M SHANKS,

PLAINTIFF,

vs.

CELSIUS NETWORK LLC, *ET AL.*,¹

v.

CELSIUS NETWORK LLC;
CELSIUS KEYFI LLC;
CELSIUS LENDING LLC;
CELSIUS MINING LLC;
CELSIUS NETWORK INC.;)
CELSIUS NETWORK LIMITED;
CELSIUS NETWORKS LENDING LLC;
and CELSIUS US HOLDING LLC.

Defendant

Chapter 11, MOTION FOR WRIT OF
DISCOVERY

Case No.: 22-10964 (MG)
(Jointly Administered.)

ADV. PRO. NO. 22-01190 (MG)

**The intention by the undersigned by filing this motion for defendant to
respond to writ of discovery of evidence 15 days prior to the court summons
for which the defendant is ordered to appear in court.**

- 1 1. On the date [25 January 2023] the undersigned served the defendant with
2 writ of discovery requesting all written and electronically recorded evidence
3 disproving that the petitioner from having standing to bring forth claims of
4 breach of contract that was caused by the defendant.
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- 6 2. This Writ of Discovery required by the Plaintiff and the clerk of the court to
7 provide the discovery of all evidence introduced by the Defendant proving
8 the defendant complied with Contractual agreement between both parties.
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12 **This writ of discovery request to view all physical, written and recorded**
13 **evidence of interaction between the plaintiff and defendant in regards to the**
14 **proposed breach of contract that the defendant may have caused, as**
15 **prescribed by:**
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17 New York State, “The elements of a cause of action for breach of contract are:

- 18 (1) The formation of a contract between plaintiff and defendant.
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- 20 (2) The performance by plaintiff,
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- 22 (3) The defendant’s failure to perform¹⁴², [and]
23
- 24 (4) The resulting damage.

25 ” 2 Leon C. Lazer, et al., New York Pattern Jury Instructions– Civil § 4.1, at 594
26 (2d ed. 2006); see JP Morgan Chase v. J.H. Elec. of N.Y., Inc., 69 A.D.3d802, 803,
893 N.Y.S.2d 237 (2d Dep’t 2010); Furia v. Furia, 116 A.D.2d 694, 498 N.Y.S.2d

1 12,13 (2d Dep't 1986).

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4 **THAT THERE IS A MINIMUM OF STANDING THAT REQUIRES A**
5 **DEFENDANT TO INTRODUCE "BASED ON THE PREPONDERANCE"**
6 **OF EVIDENCE SHOWING CONDUCT BY THE DEFENDANT IS/WAS**
7 **NOT THE CAUSE OF A BREACH OF CONTRACT BASED ON LACK OF**
8 **PERFORMANCE IN THE CONTRACT OR DISREGARD OF PLAINTIFFS**
9 **RIGHTS IN THE CONTRACT, ALLOWING THE DEFENDANT TO**
10 **LIQUADATE THE ASSETS.**
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14 Discovery of evidence of a verified statement, all written email interaction and
15 digital/Audio recordings, to disprove Celsius failure to perform
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- 17 1. The intention of this Writ of Discovery was/is to view discovery of all
18 evidence disproving the LACK of failure to perform on the defendants part
19 in fact caused by the conduct of the defendant WITH written and all
20 previously stated evidence of a verified statement signed by the defendant
21 under threat of perjury.
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23 2. The undersigned has in good faith made every legal attempt by this Writ of
24 Discovery requested on 25 January 2023 to request the discovery of verified
25 evidence as previously stated.
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2 **ALL EVIDENCE MUST HAVE BEEN PROVIDED TO THE**
3
4 **UNDERSIGNED BEFORE 15 DAYS OF COURT DATE TO ALLOW FOR**
5 **A COMPETENT DEFENSE.**
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7 Dated this 25 January 2023
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10 //Signed Fred M. Shanks
11 Your Name
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